

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,

v.

JIMMY CHANCE GUILLEN

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CASE NUMBER 6:14-CR-00013-006-RC

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On February 13, 2018, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Jimmy Chance Guillen. The government was represented by Mary Ann Cozby, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pled guilty to the offense of Conspiracy to Possess with Intent to Distribute and Distribution of More than 200 Grams but less than 350 grams of a mixture or substance containing a detectable amount of methamphetamine, a Class B Felony. The offense carried maximum imprisonment terms of 40 years. The United Sentencing Guideline range, based on a total offense level of 25 and a criminal history category of II, was 63 to 78 months. On September 23, 2014, District Judge Michael H. Schneider sentenced Defendant to 60 months imprisonment subject to standard conditions of release, plus special conditions to include financial disclosure; drug testing and treatment; and, \$100 special assessment. On July 18, 2017, Defendant completed his period of imprisonment and began service of the supervision term.

Under the terms of the supervised release, Defendant was required to refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any

narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. In its petition, the government alleges that Defendant violated his conditions of supervised release when he submitted a urine specimen which tested positive for methamphetamine and marijuana (THC) on October 10, 2017, and submitted urine specimens that tested positive for methamphetamine on September 6, 2017, October 24, 2017, and December 11, 2017, a Grade B violation.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release when he submitted a urine specimen which tested positive for methamphetamine and marijuana on October 10, 2017 and submitted urine specimens that tested positive for methamphetamine on September 6, 2017, October 24, 2017, and December 11, 2017, Defendant will have committed a Grade B violation. U.S.S.G. §7B1.1(a). Upon a finding of a Grade B violation, the Court may revoke probation or supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of II, the Guideline imprisonment range for a Grade B violation is 6 to 12 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the condition of supervised release referenced above by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 9 months with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Jimmy Chance Guillen be committed to the custody of the Bureau of Prisons for a term of imprisonment of 9 months with no supervised release to follow. The Court **FURTHER RECOMMENDS** drug treatment and that the place of confinement be Seagoville FCC if

available, or in the alternative Seagoville FCI, in order to facilitate family visitation and drug treatment.

So ORDERED and SIGNED this 13th day of February, 2018.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE